

DE 09-121

RECEIVED  
JUN 22 2009  
NH PUBLIC  
UTILITIES  
COMMISSION

**Pursuant to New Hampshire Admin. Code Puc 2500 Rules**

Pursuant to Puc 202, the signed application shall be filed with the Executive Director and Secretary of the New Hampshire Public Utilities Commission (Commission). To ensure that your submitted application is complete, please read RSA 362-F and N.H. Code Admin. Rules Puc 2500 before filling out this application. It is the burden of the applicant to provide timely, accurate and complete information as part of the application process. Any failure by the applicant to provide information in a timely manner may result in the Commission dismissing this application without prejudice.

- Page 1 of 5



(2)

Canastota

(City)

NY

(State)

13032

(Zip code)

9. Latitude: 43 02'01.49 Longitude: 75 42'09.93

10. The name and telephone number of the facility's operator, if different from the owner: Same ☐

TBD

(Name)

(Telephone number)

11. The ISO-New England asset identification number, if applicable: \_\_\_\_\_ or N/A: ☒

12. The GIS facility code, if applicable: pending or N/A: ☐

13. A description of the facility, including fuel type, gross nameplate generation capacity, the initial commercial operation date, and the date it began operation, if different.

14. If Class I certification is sought for a generation facility that uses biomass, the applicant shall submit:

- (a) quarterly average NOx emission rates over the past rolling year,
- (b) the most recent average particulate matter emission rates as required by the New Hampshire Department of Environmental Services (NHDES),
- (c) a description of the pollution control equipment or proposed practices for compliance with such requirements,
- (d) proof that a copy of the completed application has been filed with the NHDES, and
- (e) conduct a stack test to verify compliance with the emission standard for particulate matter no later than 12 months prior to the end of the subject calendar quarter except as provided for in RSA 362-F:12, II.
- (f) ☒ N/A: Class I certification is NOT being sought for a generation facility that uses biomass.

15. If Class I certification is sought for the incremental new production of electricity by a generation facility that uses biomass, methane or hydroelectric technologies to produce energy, the applicant shall:

- (a) demonstrate that it has made capital investments after January 1, 2006 with the successful purpose of improving the efficiency or increasing the output of renewable energy from the facility, and
- (b) supply the historical generation baseline as defined in RSA 362-F:2, X.
- (c) ☒ N/A: Class I certification is NOT being sought for the incremental new production of electricity by a generation facility that uses biomass, methane or hydroelectric technologies.

16. If Class I certification is sought for repowered Class III or Class IV sources, the applicant shall:

- (a) demonstrate that it has made new capital investments for the purpose of restoring unusable generation capacity or adding to the existing capacity, in light of the NHDES environmental



permitting requirements or otherwise, and



- (b) provide documentation that eighty percent of its tax basis in the resulting plant and equipment of the eligible generation capacity, including the NHDES permitting requirements for new plants, but exclusive of any tax basis in real property and intangible assets, is derived from the new capital investments.
  - (c) ☒ N/A: Class I certification is NOT being sought for repowered Class III or Class IV sources.
17. If Class I certification is sought for formerly nonrenewable energy electric generation facilities, the applicant shall:
- (a) demonstrate that it has made new capital investments for the purpose of repowering with eligible biomass technologies or methane gas and complies with the certification requirements of Puc 2505.04, if using biomass fuels, and
  - (b) provide documentation that eighty percent of its tax basis in the resulting generation unit, including NHDES permitting requirements for new plants, but exclusive of any tax basis in real property and intangible assets, is derived from the new capital investments.
  - (c) ☒ N/A: Class I certification is NOT being sought for formerly nonrenewable energy electric generation facilities.
18. If Class IV certification is sought for an existing small hydroelectric facility, the applicant shall submit proof that:
- (a) it has installed upstream and downstream diadromous fish passages that have been required and approved under the terms of its license or exemption from the Federal Energy Regulatory Commission, and
  - (b) when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.
  - (c) ☒ N/A: Class I certification is NOT being sought for existing small hydroelectric facilities.
19. If the source is located in a control area adjacent to the New England control area, the applicant shall submit proof that the energy is delivered within the New England control area and such delivery is verified using the documentation required in Puc 2504.01(a)(2) a. to e.
20. All other necessary regulatory approvals, including any reviews, approvals or permits required by the NHDES or the environmental protection agency in the facility's state.
21. Proof that the applicant either has an approved interconnection study on file with the commission, is a party to a currently effective interconnection agreement, or is otherwise not required to undertake an interconnection study.
22. A description of how the generation facility is connected to the New England Power Pool of the local electric distribution utility. ?????????????????????????????
23. A statement as to whether the facility has been certified under another non-federal jurisdiction's renewable portfolio standard and proof thereof.
24. A statement as to whether the facility's output has been verified by ISO-New England.



25. A description of how the facility's output is reported to the GIS if not verified by ISO-New England.
26. An affidavit by the owner attesting to the accuracy of the contents of the application.
27. Such other information as the applicant wishes to provide to assist in classification of the generating facility.

28. This application and all future correspondence should be sent to:

Ms. Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 S. Fruit St, Suite 10  
Concord, NH 03301-2429

29. Preparer's information:

Name: Paul Pabor

Title: Vice President, Renewable Energy

Address: (1) 1001 Fannin, Ste. 4000

(2) \_\_\_\_\_

(3) \_\_\_\_\_

Houston

(City)

TX

(State)

77002

(Zip code)

30. Preparer's signature:







**WM Renewable Energy, L.L.C.**  
1001 Fannin, Suite 4000  
Houston, TX 77002

**State of New Hampshire**  
Public Utilities Commission  
Application Form – Additional Support  
Madison County Landfill

(13) The eligible Class I landfill gas fuel used by WM Renewable Energy, L.L.C. will be landfill methane gas with a gross nameplate generation capacity of 1.6 MW with a commercial operation date of June 11, 2009

The following standard operating protocol measures will be taken to ensure that only the eligible landfill methane gas will be used.

Landfill methane gas will be recovered via a series of wells drilled into the landfill. The wells will then be connected by a common pipe system that will collect the methane gas and transport it to a nearby compression facility. At the compression facility, the landfill methane gas will then be de-watered, filtered and pressurized; and transported to the generation unit where no other ineligible Biomass Fuel(s) will be allowed to turn engines or turbines to generate renewable electricity.

(19) See attached partial power purchase agreement for verification of source located in a control area adjacent to the New England control area per PUC 2504.01(a)(2) a. to e. required documents.

(20) See attached New York State Air Quality Permit.

(21) See attached partial Interconnection Agreement.

(22) Connected via meter import scheduling.

(23) The facility has been certified under the non-federal jurisdiction renewable portfolio standard in Maine

(24) Facility output is verified by ISO-New England via connected metering per scheduling from NY ISO to ISO New England.



WM Renewable Energy, L.L.C.

) AFFIDAVIT ATTESTING  
) CONTENT APPLICATION  
)  
)  
)  
)  
)  
)

COUNTY OF Harris

STATE OF TEXAS

I, Paul Pabor, do hereby depose and state upon my oath:

1. I hold the position of Vice President for WM Renewable Energy, L.L.C. (Madison County Landfill) gas-to-energy facility.
2. As an authorized agent of WM Renewable Energy, L.L.C. I have personally examined and I am familiar with the information submitted in this affidavit and all attached related Renewable Energy Source Eligibility Application documents.

The foregoing statements made by me are true and correct.

Name: Paul Pabor

Date: 6/18/09

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18 day of June, 2009  
pursuant to New Hampshire Admin. Code PUC 2500 Rules.

Name: Jennifer Hickerson Date: 6.18.09

Jennifer Hickerson  
Notary Public  
My commission expires:





**LANDFILL GAS AND FACILITIES SITE LEASE**  
**AND GAS PURCHASE AGREEMENT**

This Landfill Gas and Facilities Site Lease and Gas Purchase Agreement (hereinafter "Lease" or "Agreement") by and between the County of Madison, New York, a municipal corporation of the State of New York with principal offices at the County Office Building, North Court Street, Wampsville, New York 13163 ("Lessor") and WM Renewable Energy, LLC, a Texas limited liability company authorized to do business in the State of New York with principal offices at 1001 Fannin Street, Suite 4000, Houston, Texas 77002 ("Lessee") (collectively the "Parties") is made this 11<sup>th</sup> day of DECEMBER, 2007.

**WITNESSETH:**

**WHEREAS**, Lessor is the owner and operator of the Madison County Landfill located on Buyea Road, Lincoln, New York; and

**WHEREAS**, the Landfill generates Landfill Gas, produced from the decomposition of refuse within the Landfill and consisting primarily of methane and carbon dioxide; and

**WHEREAS**, Lessor owns and operates facilities to extract Landfill Gas from the Landfill and deliver said Landfill Gas to an electric generating facility; and

**WHEREAS**, Lessor has solicited proposals from qualified persons to utilize said Landfill Gas for beneficial purposes with the intention of entering into an agreement with the party making the proposal most advantageous to the County; and

**WHEREAS**, in soliciting proposals, Lessor intended to enter into a contract with the party making the most advantageous proposal making that party a subcontractor with respect to Department of Energy Award No. DE-FG36-06-GO86008, and making the proceeds of that award available to help finance the cost of the project proposed by the subcontractor; and

**WHEREAS**, Lessee has submitted the proposal most advantageous to Lessor proposing to construct, own and operate an electric generating facility on the site adjacent to Lessor's Landfill and gas extraction facilities; and

**WHEREAS**, Lessee wishes to purchase that Landfill Gas extracted by Lessor from the Landfill during the term hereof, and further wishes to lease, occupy and improve the Site more fully described below, in accordance with the terms and conditions hereof;

**NOW, THEREFORE**, the Parties agree as follows:

**ARTICLE I - DEFINITIONS**

**Commercial Operation** – Operation of the EGS under agreement(s) and terms that generate revenue from the sale of Power Products and accrual of Gas Payments.

**Commercial Operation Date** – The first date, after completion of performance testing, on which Lessee begins Commercial Operation.

**Delivery and Purchase Term** – The period commencing on the commercial operation date and extending, unless earlier terminated, for 20 years, subject to extension as provided herein.



COUNTY OF MADISON

DATED: 12/11/07

By Rocco J. DiVeronica  
Rocco J. DiVeronica  
Chairman, Board of Supervisors

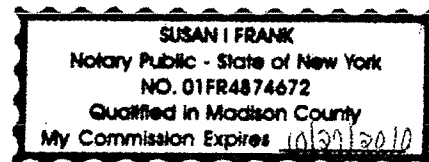
STATE OF NEW YORK )

COUNTY OF MADISON )

On the 11<sup>TH</sup> day of DEC, 2007, before me, the undersigned, personally appeared **Rocco J. DiVeronica**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York  
Appointed in Madison County  
My Commission Expires :

Susan I. Frank  
Notary





WM Renewable Energy, LLC

DATED: 12/10/07

By: Paul Pabor

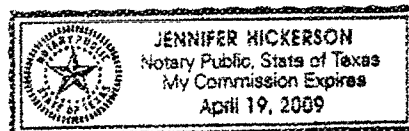
Paul Pabor  
Vice President

STATE OF Texas )  
COUNTY OF Harris )

On the 10 day of Dec, 2007, before me, the undersigned, personally appeared Paul Pabor, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of Texas  
Appointed in Harris County  
My Commission Expires : 4-19-09

Jennifer Hickerson  
Notary





This Interconnection Agreement ("Agreement") is made and entered into this 8th day of ~~September~~ July, 2008, by Niagara Mohawk Power Corporation, d/b/a National Grid ("Transmission Owner"), and the WM Renewable Energy, ("Interconnection Customer") each hereinafter sometimes referred to individually as "Party" or both referred to collectively as the "Parties."

#### **Transmission Owner Information**

Transmission Owner: Niagara Mohawk Power Corporation, d/b/a National Grid  
Attention: Manager, Transmission Commercial Services  
Address: 300 Erie Boulevard West  
City: Syracuse State: New York Zip: 13202

#### **Interconnection Customer Information**

Interconnection Customer: WM Renewable Energy L.L.C.  
Attention: Peter Kruliczek  
Address: 1001 Fannin, Suite 4000  
City: Houston State: Texas Zip: 77002

In consideration of the mutual covenants set forth herein, the Parties agree as follows:

#### **Article 1. Scope and Limitations of Agreement**

- 1.1 This Agreement shall be used for all Interconnection Requests submitted under the Small Generator Interconnection Procedures (SGIP) except for those submitted under the 10 kW Inverter Process contained in SGIP Attachment 5.
- 1.2 This Agreement governs the terms and conditions under which the Interconnection Customer's Small Generating Facility will interconnect with, and operate in parallel with, the Transmission Owners Transmission System.
- 1.3 This Agreement does not constitute an agreement to purchase or deliver the Interconnection Customer's power. The purchase or delivery of power and other services that the Interconnection Customer may require will be covered under separate agreements. The Interconnection Customer will be responsible for separately making all necessary arrangements (including scheduling) for delivery of electricity with the New York Independent System Operator ( Transmission Provider).
- 1.4 Nothing in this Agreement is intended to affect any other agreement between the Transmission Owner and the Interconnection Customer.
- 1.5 Responsibilities of the Parties



#### Article 14. Signatures

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respective duly authorized representatives.

##### For the Transmission Owner

Name: Mary Ellen Paravlos

Title: Vice President Transmission Regulation & Commercial

Date: 9/08/08

##### For the Interconnection Customer

Name: Paul Pals

Title: Vice President

Date: 8/21/08



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2009-94

April 7, 2009

WM RENEWABLE ENERGY, LLC  
Request for Certification for RPS Eligibility

ORDER GRANTING NEW  
RENEWABLE RESOURCE  
CERTIFICATION

REISHUS, Chairman; VAFIADES and CASHMAN, Commissioners

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**I. SUMMARY**

The WM Renewable Energy, LLC (WM Renewable) Madison County landfill gas facility is certified as a Class I new renewable resource that is eligible to satisfy Maine's new renewable resource portfolio requirement pursuant to Chapter 311, § 3(B) of the Commission rules.

**II. BACKGROUND**

A. New Renewable Resource Portfolio Requirement

During its 2007 session, the Legislature enacted an Act To Stimulate Demand for Renewable Energy (Act). P.L. 2007, ch. 403 (codified at 35-A M.R.S.A. § 3210(3-A)). The Act added a mandate that specified percentages of electricity that supply Maine's consumers come from "new" renewable resources.<sup>1</sup> Generally, new renewable resources are renewable facilities that have an in-service date, resumed operation or were refurbished after September 1, 2005. The percentage requirement starts at one percent in 2008 and increases in annual one percent increments to ten percent in 2017, unless the Commission suspends the requirement pursuant to the provisions of the Act.

As required by the Act, the Commission modified its portfolio requirement rule (Chapter 311) to implement the "new" renewable resource requirement. *Order Adopting Rule and Statement of Factual and Policy Basis*, Docket No. 2007-391 (Oct. 22, 2007). The implementing rules designated the "new" renewable resource

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<sup>1</sup> Maine's electric restructuring law, which became effective in March 2000, contained a portfolio requirement that mandated that at least 30% of the electricity to supply retail customers in the State come from eligible resources, which are either renewable or efficient resources. 35-A M.R.S.A. § 3210(3). The Act did not modify this 30% requirement.



requirement as "Class I"<sup>2</sup> and incorporated the resource type, capacity limit and the vintage requirements as specified in the Act. The rules thus state that a new renewable resource used to satisfy the Class I portfolio requirement must be of the following types:

- fuel cells;
- tidal power;
- solar arrays and installations;
- wind power installations;
- geothermal installations;
- hydroelectric generators that meet all state and federal fish passage requirement; or
- biomass generators, including generators fueled by landfill gas.

In addition, except for wind power installations, the generating resource must not have a nameplate capacity that exceeds 100 MW. Finally, the resource must satisfy one of four vintage requirements. These are:

- 1) renewable capacity with an in-service date after September 1, 2005;
- 2) renewable capacity that has been added to an existing facility after September 1, 2005;
- 3) renewable capacity that has not operated for two years or was not recognized as a capacity resource by the ISO-NE or the NMISA and has resumed operation or has been recognized by the ISO-NE or NMISA after September 1, 2005; or
- 4) renewable capacity that has been refurbished after September 1, 2005 and is operating beyond its useful life or employing an alternate technology that significantly increases the efficiency of the generation process.

The implementing rules (Chapter 311, § 3(B)(4)) establish a certification process that requires generators to pre-certify facilities as a new renewable resource under the requirements of the rule and provides for a Commission determination of resource eligibility on a case-by-case basis.<sup>3</sup> The rule contains the information that must be included in a petition for certification and specifies that the Commission shall provide an opportunity for public comment if a petitioner seeks certification under

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<sup>2</sup> The "new" renewable resource requirement was designated as Class I because the requirement is similar to portfolio requirements in other New England states that are referred to as "Class I." Maine's pre-existing "eligible" resource portfolio requirement is designated as Class II.

<sup>3</sup> In the *Order Adopting Rule* at 6, the Commission noted that a request for certification can be made at any time so that a ruling can be obtained before a capital investment is made in a generation facility.



vintage categories 2, 3 and 4. Finally, the rule specifies that the Commission may revoke a certification if there is a material change in circumstance that renders the generation facility ineligible as a new renewable resource.

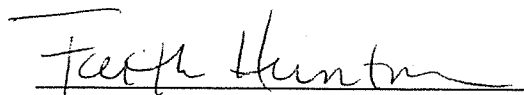
B. Petition for Certification

On March 6, 2009, WM Renewable filed a petition to certify its Madison County landfill methane gas facility as a Class I renewable resource. The Madison County facility is a 1.6 MW landfill gas facility located in Canastota, New York. The petition states that the facility commenced commercial operation in March 2009.

III. **DECISION**

The Commission has delegated to the Director of Technical Analysis the authority to certify generation facilities as Class I new renewable resources pursuant to Chapter 311, § 3(B) of the Commission rules. *Delegation Order*, Docket No. 2008-184 (April 23, 2008). Based on the information provided by WM Renewable, I conclude that the Madison County facility satisfies the resource type, capacity limit and vintage requirements of the rule. The facility is fueled solely by landfill gas facility, its capacity does not exceed 100 MW, and it began commercial operations after September 1, 2005. Accordingly, the WM Renewable Madison County facility is hereby certified as a Class I new renewable resource that is eligible to satisfy Maine's new renewable resource portfolio requirement pursuant to Chapter 311, § 3 of the Commission rules. WM Renewable shall provide timely notice to the Commission of any material change in the operation of the facility, including the type of fuel used in the generation process, from that described in the petition filed in this proceeding.

BY ORDER OF THE DIRECTOR OF TECHNICAL ANALYSIS

  
Faith Huntington





**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Solid Waste Management  
Permit ID: 7-2538-00011/00005  
Effective Date: 11/02/2007 Expiration Date: 11/01/2017

Permit Type: Air Title V Facility  
Permit ID: 7-2538-00011/00007  
Effective Date: 11/02/2007 Expiration Date: 11/01/2012

Permit Type: Water Quality Certification  
Permit ID: 7-2538-00011/00008  
Effective Date: 11/02/2007 Expiration Date: 11/01/2017

Permit Issued To: MADISON COUNTY  
CO OFFICE BLDG  
WAMPSVILLE, NY 13163

Contact: JAMES ZECCA  
MADISON COUNTY DEPT OF SOLID WASTE  
PO BOX 27  
WAMPSVILLE, NY 13163  
(315) 455-2000

Facility: MADISON COUNTY LANDFILL  
BUYEA RD - W SIDE - N OF EDDY RD  
CANASTOTA, NY 13032

Description:  
Renewal and modification of the Solid Waste Permit for the continued operation and expansion of the Madison County municipal solid waste landfill and an Air Title V Permit for the emission of non-methane organic compounds. The modification allows for the construction and operation of the West Side Landfill Expansion contiguous to the existing West Side Landfill currently operated by the County. The expansion consists of 13 landfill cells over approximately 62.5 acres with an estimated useful facility life of 110 years. An additional 124 acres will be developed for construction of landfill containment berms, access roads, and a mining area that will disturb approximately 0.2 acres of federally-protected wetland.



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 7253800011**



By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: JOHN H FELTMAN  
DIVISION OF ENVIRONMENTAL PERMITS  
615 ERIE ST WEST  
SYRACUSE, NY 13204-2400

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
\_\_\_\_\_





**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.





## **LIST OF CONDITIONS**

### **DEC GENERAL CONDITIONS**

#### **General Provisions**

Facility Inspection by the Department  
Relationship of this Permit to Other Department Orders and Determinations  
Applications for permit renewals, modifications and transfers  
Permit modifications, suspensions or revocations by the Department

#### **Facility Level**

Submission of application for permit modification or renewal-REGION 7  
HEADQUARTERS



New York State Department of Environmental Conservation  
Facility DEC ID: 7253800011



FINAL





**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

**For the purpose of your Title V permit, the following section contains  
state-only enforceable terms and conditions.**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement:**

**ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement:**

**ECL 3-0301.2(m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement:**

**6NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**





Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 7 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 7 Headquarters  
Division of Environmental Permits  
615 Erie Blvd West  
Syracuse, NY 13204-2400  
(315) 426-7400



New York State Department of Environmental Conservation

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011



**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: MADISON COUNTY  
CO OFFICE BLDG  
WAMPSVILLE, NY 13163

Facility: MADISON COUNTY LANDFILL  
BUYEA RD - W SIDE - N OF EDDY RD  
CANASTOTA, NY 13032

Authorized Activity By Standard Industrial Classification Code:  
4953 - REFUSE SYSTEMS

Permit Effective Date: 11/02/2007

Permit Expiration Date: 11/01/2012





## LIST OF CONDITIONS

### DEC GENERAL CONDITIONS

#### General Provisions

Facility Inspection by the Department  
Relationship of this Permit to Other Department Orders and Determinations  
Applications for permit renewals, modifications and transfers  
Permit modifications, suspensions or revocations by the Department

#### Facility Level

Submission of application for permit modification or renewal-REGION 7  
HEADQUARTERS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 12 6NYCRR 201-1.7: Recycling and Salvage
- 11 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 6NYCRR 201-6.5(g): Non Applicable requirements
- 25 6NYCRR 201-7.2: Facility Permissible Emissions
- \*26 6NYCRR 201-7.2: Capping Monitoring Condition
- 27 6NYCRR 202-1.2: Notification
- 28 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 29 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 30 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 31 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver
- 32 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 33 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 34 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 35 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.





- 36 40CFR 60.9, NSPS Subpart A: Availability of information.
- 37 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 38 40CFR 60.12, NSPS Subpart A: Circumvention.
- 39 40CFR 60.754(a)(1), NSPS Subpart WWW: Calculation of Non-Methane Organic Carbon (NMOC) Emissions
- 40 40CFR 60.754(a)(2), NSPS Subpart WWW: NMOC Calculation - Tier 1
- 41 40CFR 60.754(a)(3), NSPS Subpart WWW: NMOC Calculation - Tier 2
- 42 40CFR 60.754(a)(5), NSPS Subpart WWW: NMOC Calculation - Alternative Methods
- 43 40CFR 60.757(b), NSPS Subpart WWW: Reporting requirements - NMOC emission rate
- 44 40CFR 60.757(c), NSPS Subpart WWW: Reporting Requirements - Collection and Control System Design Plan
- 45 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites
- Emission Unit Level**
- 46 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 47 6NYCRR 201-6: Process Definition By Emission Unit

**EU=1-LFGAS,Proc=001**

- 48 6NYCRR 212.6(a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 49 ECL 19-0301: Contaminant List
- 50 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 51 6NYCRR 211.2: Air pollution prohibited
- 52 6NYCRR 212.4: Compliance Demonstration
- 53 6NYCRR 217-3.2: Idling of Diesel Trucks Limited
- 54 6NYCRR 217-3.3: Exceptions

NOTE: \* preceding the condition number indicates capping.





**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

**Item A: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.





- Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**  
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**  
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**  
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**





If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the





effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.





**Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**SUBJECT MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
TO ANNUAL CERTIFICATIONS AT ALL  
TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

**Condition 1: Acceptable Ambient Air Quality**  
Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6 NYCRR 200.6

**Item 1.1:**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees**  
Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6 NYCRR 201-6.5(a)(7)

**Item 2.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6 NYCRR 201-6.5(c)

**Item 3.1:**

The following information must be included in any required compliance monitoring records and reports:





- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

**Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(2)**

**Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(3)(ii)**

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

**Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES**

**Monitoring Description:**

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to





the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

(1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for





deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective between the dates of 11/02/2007 and 11/01/2012**





**Applicable Federal Requirement: 6NYCRR 201-6.5(e)**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;
  - and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional





office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

615 Erie Boulevard, West  
Syracuse, NY 13204-2400

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2008.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 202-2.1**

**Item 7.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year





**Condition 8: Recordkeeping requirements**  
Effective between the dates of 11/02/2007 and 11/01/2012

**Applicable Federal Requirement: 6NYCRR 202-2.5**

**Item 8.1:**

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites**  
Effective between the dates of 11/02/2007 and 11/01/2012

**Applicable Federal Requirement: 6NYCRR 215**

**Item 9.1:**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**SUBJECT MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS**  
**TO ANNUAL CERTIFICATIONS ONLY IF**  
**APPLICABLE**

**Title V** The following federally enforceable permit conditions are mandatory for all permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 10: Maintenance of Equipment**  
Effective between the dates of 11/02/2007 and 11/01/2012

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 10.1:**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device





effectively.

**Condition 12: Recycling and Salvage**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 201-1.7**

**Item 12.1:**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 11: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 201-1.8**

**Item 11.1:**

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Condition 13: Exempt Sources - Proof of Eligibility**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 201-3.2(a)**

**Item 13.1:**

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 201-3.3(a)**

**Item 14.1:**

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.





**Condition 15: Standard Requirement - Provide Information**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(a)(4)**

**Item 15.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: General Condition - Right to Inspect**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(a)(8)**

**Item 16.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Standard Requirements - Progress Reports**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(d)(5)**

**Item 17.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and





(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 18: Off Permit Changes**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 201-6.5(f)(6)**

**Item 18.1:**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

**Condition 19: Required Emissions Tests**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 202-1.1**

**Item 19.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 20: Visible Emissions Limited**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:6NYCRR 211.3**

**Item 20.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.





**Condition 21: Accidental release provisions.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 68**

**Item 21.1:**

If a chemical is listed in Tables 1, 2, 3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1, 2, 3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 22: Recycling and Emissions Reduction**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 82, Subpart F**

**Item 22.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

**Condition 23: Emission Unit Definition**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6 NYCRR 201-6**

**Item 23.1:**

The facility is authorized to perform regulated processes under this permit for:  
Emission Unit: 1-LFGAS





**Emission Unit Description:**

This unit consists of landfill waste generating landfill gas by anerobic decomposition. The emission unit will consist of one (1) large flare and 6 portable candlestick flares as defined emission points. Landfill gas will also be released as a fugitive emission, if it bypasses the landfill gas collection system.

**Item 23.2:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-LCHST

**Emission Unit Description:**

This unit consists of two open top leachate storage lagoons with capacities of 600,000 gallons each. Leachate is shipped by tanker truck to the WWTP for treatment daily.

**Condition 24: Non Applicable requirements**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-6.5(g)**

**Item 24.1:**

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40CFR 60-A.18(c)

Reason: Same reason as described below for 40 CFR 60-WWW 752(b)(2).

40CFR 60-A.18(d)

Reason: Same reason as described below for 40 CFR 60-WWW 752(b)(2).

40CFR 60-A.18(e)

Reason: Same reason as described below for 40 CFR 60-WWW 752(b)(2).

40CFR 60-A.18(f)

Reason: Same reason as described below for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.752(b)(2)

Reason: The provisions of 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, that apply to the design, installation, operation, monitoring, record keeping, reporting and compliance certification of a landfill gas collection and control system do not apply to this facility at this time. Such provisions will apply to this facility when the calculated non-methane organic compound (NMOC) emission rate equals or exceeds 50 megagrams per year. The NMOC emission rate is calculated





annually per the requirements of 40 CFR 60.752(b)(1) that are contained as a condition of this permit.

40CFR 60-WWW.753(a)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(b)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(c)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(d)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(e)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(f)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.753(g)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.754(b)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.754(d)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.755(a)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.755(b)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.755(c)

Reason: Same reason as described above for 40 CFR 60-WWW 752(b)(2).

40CFR 60-WWW.755(d)

Reason: Same reason as described above for 40 CFR





60-WWW 752(b)(2).

40CFR 60-WWW.755(e)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(a)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(b)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(c)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(d)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(e)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.756(f)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.757(d)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.757(e)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.757(f)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.757(g)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.758(b)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.758(c)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).





40CFR 60-WWW.758(d)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.758(e)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.759(a)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.759(b)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 60-WWW.759(c)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 63-A.6(e)(3)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 63-A.1955(b)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

40CFR 63-A.1980(a)

Reason: Same reason as described above for 40 CFR  
60-WWW 752(b)(2).

**Condition 25: Facility Permissible Emissions**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-7.2**

**Item 25.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY998-20-0

PTE: 110,000 pounds per year

Name: NMOC - LANDFILL USE ONLY

**Condition 26: Capping Monitoring Condition**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 201-7.2**





**Item 26.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 60-WWW.752(b)(2)  
40CFR 63-AAAA

**Item 26.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 26.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Item 26.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 26.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 26.6:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: ONY998-20-0 NMOC - LANDFILL USE ONLY

**Item 26.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Owner or operator of a municipal solid waste (MSW) landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with 40 CFR Part 60.752(b)(2) or calculate a non-methane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 CFR Part 60.754(a). The NMOC emission rate shall be recalculated





annually, except as provided in 40 CFR Part 60.757(b)(1)(ii).

1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

i) Submit an annual emission report to the Administrator, except as provided for in 40 CFR Part 60.757(b)(1)(ii); and

ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR Part 60.754(a) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year. If upon recalculation the NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with 40 CFR Part 60.752(b)(2).

2) If the calculated NMOC emission rate is less than 50 megagrams per year, the following provisions of 40 CFR Part 60 Subpart WWW, do not apply: 60.752(b)(2), 60.753(a)-(g), 60.754(b), 60.754(d), 60.755(a)-(e), 60.756(a), 60.756(c), 60.756(e)-(f), 60.757(f)-(g), 60.758(a)-(e), and 60.759(a)-(c). Additionally, if the calculated NMOC emission rate is less than 50 megagrams per year the the provisions of 40 CFR 63 Subpart AAAA do not apply.

3) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, all provisions outlined in paragraph (2), will at that time become applicable requirements for this facility. Additionally, when the NMOC emission rate is equal to or greater than 50 megagrams per year, the facility will have to apply for a modification to this permit that will add all the provisions contained in paragraph (2) of this condition

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 50 Megagrams (10\*\*6 grams) per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 27: Notification

Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6NYCRR 202-1.2





**Item 27.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 28: EPA Region 2 address.**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 28.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 29: Recordkeeping requirements.**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A**

**Item 29.1:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 30: Facility files for subject sources.**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement:40CFR 60.7(f), NSPS Subpart A**

**Item 30.1:**





The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 31: Performance Test Methods - Waiver**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 60.8(b), NSPS Subpart A**

**Item 31.1:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

**Condition 32: Performance test methods.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 60.8(b), NSPS Subpart A**

**Item 32.1:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

**Condition 33: Required performance test information.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 60.8(c), NSPS Subpart A**

**Item 33.1:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

**Condition 34: Prior notice.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 60.8(d), NSPS Subpart A**

**Item 34.1:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.





**Condition 35: Performance testing facilities.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.8(e), NSPS Subpart A**

**Item 35.1:**

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

**Condition 36: Availability of information.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A**

**Item 36.1:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

**Condition 37: Compliance with Standards and Maintenance Requirements**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.11(d), NSPS Subpart A**

**Item 37.1:**

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**Condition 38: Circumvention.**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A**

**Item 38.1:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an





opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 39: Calculation of Non-Methane Organic Carbon (NMOC) Emissions Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.754(a)(1), NSPS Subpart**

**WWW**

**Item 39.1:**

The landfill owner or operator shall calculate the NMOC emission rate using the equation provided below. The values to be used in the equation are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_0$  and 4,000 parts per million by volume as hexane for  $C_{NMOC}$ .

i) The following equation shall be used:

$$M_{NMOC} = \sum 2kL_0M_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where,

$M_{NMOC}$  = Total NMOC emission rate from the landfill, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid

waste

$M_i$  = mass of solid waste in the  $i$ th section, megagrams

$t_i$  = age of the  $i$ th section, years

$C_{NMOC}$  = concentration of NMOC, parts per million by volume as

hexane

$3.6 \times 10^{-9}$  = conversion factor.

The mass of the nondegradable waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for  $M_i$  if the documentation provisions of 40 CFR Part 60.758(d)(2) are followed.

**Condition 40: NMOC Calculation - Tier 1 Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.754(a)(2), NSPS Subpart**

**WWW**

**Item 40.1:**

The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

1) If the NMOC mass emission rate calculated in 40 CFR Part 60.754(a)(1) is less than 50 megagrams per year, then the landfill owner shall submit a mass emission rate report as provided in 40 CFR Part 60.757(b)(1), and shall recalculate the NMOC mass





emission rate annually as required under 40 CFR Part 60.752(b)(1).

2) If the calculated NMOC mass emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific NMOC concentration and recalculate the NMOC mass emission rate using the procedures provided in 40 CFR Part 60.754(a)(3).

**Condition 41: NMOC Calculation - Tier 2**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40 CFR 60.754(a)(3), NSPS Subpart**

**WWW**

**Item 41.1:**

The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using either, Method 25 or 25C of 40 CFR Part 60 Appendix A. Method 18 of Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to CNMOC as hexane by multiplying by the ratio of its carbon atoms divided by six. If more than the required number of samples are taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of Appendix A of this part by six to convert from CNMOC as carbon to CNMOC as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

1) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in 40 CFR Part 60.754(a)(1)(i) or (ii) and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in 40 CFR Part 60.754(a)(1).





2) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific methane gas generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in 40 CFR Part 60.754(a)(4).

3) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in 40 CFR Part 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this condition.

**Condition 42: NMOC Calculation - Alternative Methods**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.754(a)(5), NSPS Subpart**

**WWW**

**Item 42.1:**

The owner or operator may use other methods to determine the NMOC concentration or a site-specific methane generation rate constant as an alternative to the methods required in 40 CFR Part 60.754(a)(3) and (a)(4) if the method has been approved by the Administrator.

**Condition 43: Reporting requirements - NMOC emission rate**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.757(b), NSPS Subpart**

**WWW**

**Item 43.1:**

Owner or operator shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided in (1)(ii) or (3) below. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate, calculated using the formula and procedures provided in 40 CFR Part 60.754(a) or (b), as applicable.

i) The initial NMOC emission rate report may be combined with the initial design capacity report required by 40 CFR Part 60.757(a) and shall be submitted no later than 90 days after the date of commenced construction. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in (1)(ii) and (3) below.

ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current





amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Administrator. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Administrator. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2) The NMOC emission rate report shall include all data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

3) Owner or operator is exempted from the requirements in paragraphs (1) and (2) above, after installation of a collection and control system in compliance with 40 CFR Part 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.753 and Part 60.755

**Condition 44: Reporting Requirements - Collection and Control System Design Plan**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 40CFR 60.757(c), NSPS Subpart**

**WWW**

**Item 44.1:**

Each owner or operator subject to the provisions of 40 CFR Part 60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report, required under 40 CFR Part 60.757(b), in which the emission rate exceeds 50 megagrams per year, except as follows:

(1) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 40 CFR Part 60.754(a)(3) and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

(2) If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in 40 CFR Part 60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 40 CFR Part 60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 megagrams per year.

**Condition 45: Asbestos-containing waste material standard for active waste disposal sites**





Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 40 CFR 61.154, NESHAP Subpart M

**Item 45.1:**

Owner or operator shall comply with the requirements of 40 CFR Part 61.154 when accepting asbestos-containing waste material from any source required to comply with 40 CFR Part 61.149, 61.150, or 61.155.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 46: Emission Point Definition By Emission Unit**

Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6 NYCRR 201-6

**Item 46.1:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-LFGAS

Emission Point: 00001

Height (ft.): 21

Diameter (in.): 6

NYTMN (km.): 4764.702

NYTME (km.): 442.529

Emission Point: 00002

Height (ft.): 10

Diameter (in.): 8

Emission Point: 00003

Height (ft.): 10

Diameter (in.): 8

Emission Point: 00004

Height (ft.): 10

Diameter (in.): 8

Emission Point: 00005

Height (ft.): 10

Diameter (in.): 8

Emission Point: 00006

Height (ft.): 10

Diameter (in.): 8

Emission Point: 00007

Height (ft.): 10

Diameter (in.): 8

**Condition 47: Process Definition By Emission Unit**

Effective between the dates of 11/02/2007 and 11/01/2012

Applicable Federal Requirement: 6 NYCRR 201-6

**Item 47.1:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-LFGAS





Process: 001

Source Classification Code: 5-01-004-06

Process Description:

This process will consist of landfill waste generating landfill gas by decomposition and the collection and control of the landfill gas emissions by flaring gas collected from the East Side Landfill, West Side Landfill and proposed landfill expansion areas. The gas collection and control system collection efficiency is estimated at 80.7%.

Emission Source/Control: F0001 - Control

Control Type: FLARING

Emission Source/Control: F0002 - Control

Control Type: FLARING

Emission Source/Control: F0003 - Control

Control Type: FLARING

Emission Source/Control: F0004 - Control

Control Type: FLARING

Emission Source/Control: F0005 - Control

Control Type: FLARING

Emission Source/Control: F0006 - Control

Control Type: FLARING

Emission Source/Control: F0007 - Control

Control Type: FLARING

Emission Source/Control: LFGAS - Process

**Item 47.2:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-LFGAS

Process: 002

Source Classification Code: 5-01-004-02

Process Description:

This process consists of landfill waste generating landfill gas by decomposition and the fugitive emission of landfill gas to the atmosphere. Fugitive emissions include the portion of landfill gas that escapes collection by the gas collection and control system. Fugitive emissions are estimated at 19.3% of the landfill gas produced.

Emission Source/Control: LFG02 - Process

**Item 47.3:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 2-LCHST

Process: 003

Source Classification Code: 5-01-004-02





**Process Description:**

Two open top leachate storage lagoons with capacities of 600,000 gallons each.

Emission Source/Control: L0001 - Process

**Condition 48: Compliance Certification**

**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 48.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: 001

**Item 48.2:**

Compliance Certification shall include the following monitoring:

**Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES**

**Monitoring Description:**

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and





corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Monitoring Frequency: WEEKLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

Subsequent reports are due every 6 calendar month(s).





**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 49: Contaminant List**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: ECL 19-0301**

**Item 49.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit (emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

**Condition 50: Unavoidable noncompliance and violations**





**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: 6NYCRR 201-1.4**

**Item 50.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific





federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 51: Air pollution prohibited**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: 6 NYCRR 211.2**

**Item 51.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 52: Compliance Demonstration**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: 6 NYCRR 212.4**

**Item 52.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: 1-LFGAS  
Process: 001

Emission Unit: 2-LCHST  
Process: 003

**Item 52.2:**

Compliance Demonstration shall include the following monitoring:

**Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES**

**Monitoring Description:**

Emissions of contaminants assigned an environmental rating and emission rate limits pursuant to 6 NYCRR 212, General Process Emission Sources.

Processes at this facility emit air contaminants regulated by 6 NYCRR 212.4, based on the contaminant's emission rate potential (ERP) and the environmental rating issued by the commissioner. For this facility, A-rated contaminants are those contaminants listed with a "high" toxicity in the Department's most recent DAR-1 (formerly Air Guide 1) guidance document, and any other contaminant that may be A-rated by the Department. All other contaminants are B-rated, unless specifically rated otherwise by the Department.

a. no person shall cause or allow emissions that exceed





the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR 212.9 for the environmental rating issued by the commissioner.

b. for gases and liquid particulates with an environmental rating of A, B, or C and for solid particulates with an environmental rating of A, where the emission rate potential is not shown in Table 2 the permissible emission rate shall be specified by the commissioner.

The most recent data, submitted with the Title V permit application, indicates that additional control is not required at this time, and that emissions are within permissible emission rates (i.e. A-rated contaminants are less than 1 lb/hr ERP and B-rated contaminants are less than 10 lbs/hr ERP).

c. The owner or operator shall re-calculate the emission rate potential of contaminants upon application for permit renewal, or more frequently as requested by the NYSDEC.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 53: Idling of Diesel Trucks Limited**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: 6 NYCRR 217-3.2**

**Item 53.1:**

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

**Condition 54: Exceptions**  
**Effective between the dates of 11/02/2007 and 11/01/2012**

**Applicable State Requirement: 6 NYCRR 217-3.3**

**Item 54.1:**

The prohibitions of section 217-3.2 shall not apply when:

(a) A bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.

(b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified





in section 217-3.2 may be increased, but only to the extent necessary to comply with such regulations.

(c) A diesel engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.

(d) Fire, police and public utility trucks or other vehicles are performing emergency services.

(e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.

(f) A truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25oF.

(g) A heavy duty diesel vehicle, as defined in subdivision 217-5.1(o), that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5.

(h) A hybrid electric vehicle, as defined in subdivision 217-5.1(r), idling for the purpose of providing energy for battery or other form of energy storage recharging.



New York State Department of Environmental Conservation

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

